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JUN 16 2005

Docket No.: 2336-255

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Seung Wan CHAE

U.S. Patent Application No. 10/812,015

Filed: March 30, 2004

: Confirmation No. 2799

: Group Art Unit: 2811

: Examiner: Hung K. Vu

For: GALLIUM NITRIDE (GaN)-BASED SEMICONDUCTOR LIGHT EMITTING DIODE
AND METHOD FOR MANUFACTURING THE SAMERESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed May 18, 2005, restriction to one of the following inventions is required:

- Group I: Claims 1-12, drawn to a semiconductor device, classified in class 257, subclass 094.
- Group II: Claims 13-32, drawn to a method of making a semiconductor device, classified in class 438, subclass 22.

In response, Applicants hereby elect *Group I*, upon which *claims 1-12* are readable.

The election was made *with traverse* because the Examiner has failed to demonstrate why the hypothetical processes mentioned in page 2, line 4 from bottom, of the Restriction Requirement can be regarded as *materially* different processes. Applicants are, therefore, not

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persuaded that a proper Restriction Requirement has been set forth.

The Restriction Requirement is further *traversed* because the search and examination of the entire application can be made without serious burden. Inventions II and I are related as process of making and product made. In the relevant art, i.e., semiconductor device design and fabrication, references often describe both the semiconductor device's structure and manufacturing method, as will be apparent to the Examiner upon conducting a search for prior art. Therefore, both Inventions I and II can be covered in a single search. Accordingly, Applicants respectfully submit that the search and examination of the entire application can be made without serious burden on the Examiner.

In view of the above, withdrawal of the Restriction Requirement and consideration of all claims pending in the instant application are believed appropriate and therefore courteously solicited.

Early examination on the merits is respectfully requested.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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